

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOSE GARCIA,
Petitioner,

VS.

REBECCA TAMEZ, Warden,
FCI-Fort Worth,
Respondent.

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CIVIL ACTION NO.4:08-CV-292-Y

ORDER ADOPTING MAGISTRATE JUDGE'S FINDINGS AND CONCLUSIONS

Before the Court is the petition for writ of habeas corpus under 28 U.S.C. § 2241 of petitioner Jose Garcia, along with the January 15, 2009, findings, conclusions, and recommendation of the United States magistrate judge. The magistrate judge gave the parties until February 5 to file written objections to the findings, conclusions, and recommendation. As of the date of this order, no written objections have been filed.

The Court has reviewed the pleadings and the record in this case, and has reviewed for clear error the findings, conclusions and recommendation. The Court concludes that, for the reasons stated by the magistrate judge, the petition for writ of habeas corpus should be dismissed.

Therefore, the findings, conclusions and recommendation of the magistrate judge are ADOPTED.

Jose Garcia's petition for writ of habeas corpus under 28 U.S.C. § 2241 is DISMISSED without prejudice for lack of exhaustion.

SIGNED February 17, 2009.


TERRY R. MEANS
UNITED STATES DISTRICT JUDGE